

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

PARAMOUNT UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015090859

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
NEW MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING DATES

On October 22, 2015, the parties filed a joint request to continue the dates in this matter.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. However, the parties have requested that the due process hearing be continued to January 13 through 15, 2016. OAH is dark that week due to training for its administrative law judges. Additionally, OAH generally does not schedule hearings on Fridays. The hearing shall therefore be scheduled as follows. If the parties are not available on the scheduled dates, they must submit an additional request to OAH to change the dates:

Mediation:	November 24, 2015, at 9:30 a.m.
Prehearing Conference:	January 4, 2016, at 10:00 a.m.
Due Process Hearing:	January 19 through 21, 2016, starting at 9:30 a.m. on January 19, and at 9:00 a.m. all other days, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: October 22, 2015

/s/

DARRELL LEPKOWSKY

Acting Presiding Administrative Law Judge
Office of Administrative Hearings